

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/12/2006

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL:
FOR CLEARANCE OFFICER:

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 07/12/2006

ACTION REQUESTED: No material or nonsubstantive change to a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200607-0648-007
TITLE: Southeast Region Permit Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change
OMB CONTROL NUMBER: 0648-0205

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 10/31/2006

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	59,908	15,728	651,000
New	62,408	15,770	651,000
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	2,500	42	0
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: John F. Morrall III, Acting
Deputy Administrator,
Office of Information and Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Southeast Region Permit Family of Forms			

PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/Subagency		OMB Control Number _____ - _____	
<i>Enter only items that change</i> <div style="display: flex; justify-content: space-between;"> Current record New record </div>			
Agency form number (s)			
Annual reporting and recordkeeping hour burden <div style="margin-left: 20px;">Number of respondents</div> <div style="margin-left: 20px;">Total annual responses</div> <div style="margin-left: 40px;">Percent of these responses collected electronically</div> <div style="margin-left: 20px;">Total annual hours</div> <div style="margin-left: 20px;">Difference</div> <div style="margin-left: 20px;">Explanation of difference</div> <div style="margin-left: 40px;">Program change Adjustment</div>			
	%	%	
Annual reporting and recordkeeping cost burden (in thousands of dollars) <div style="margin-left: 20px;">Total annualized Capital/Startup costs</div> <div style="margin-left: 20px;">Total annual costs (O&M)</div> <div style="margin-left: 20px;">Total annualized cost requested</div> <div style="margin-left: 20px;">Difference</div> <div style="margin-left: 20px;">Explanation of difference</div> <div style="margin-left: 40px;">Program change Adjustment</div>			
Other changes**			
Signature of Senior Official or designee:		Date:	For OIRA Use _____ _____

** This form cannot be used to extend an expiration date.

Basis of Eligibility for the Gulf of Mexico Shrimp Moratorium

This form is to accompany the "Federal Permit Application for Vessels Fishing in the Gulf of Mexico and/or South Atlantic EEZ for Shrimp" for applicants applying for the initial issuance of Gulf of Mexico Shrimp moratorium permits.

I am eligible for the Gulf of Mexico moratorium Shrimp Permit because:

- 1** ☐ The vessel I own (listed in Section 1 of the accompanying application) was issued an open access Gulf of Mexico Shrimp Permit on or before December 6, 2003.

OR

- 2** ☐ I owned a vessel that was issued an open access Gulf of Mexico Shrimp Permit on or before December 6, 2003, and prior to [insert date of final rule publication] I owned a different vessel which (1) was issued an open access Gulf of Mexico Shrimp Permit, (2) is/was equipped for offshore shrimp fishing, and (3) is at least 5 net tons and is Coast Guard documented, and (4) is the same vessel for which the commercial vessel moratorium permit is being applied (as listed in Section 1 of the accompanying application). Complete parts A and B below.

- A)** Provide the Coast Guard documentation number or the state registration number for the vessel that you owned or leased on or before December 6, 2003 which was issued an open access Gulf of Mexico Shrimp Permit on or before December 6, 2003.

- B)** Which of the following gear is aboard the vessel for which you are applying for a Gulf shrimp moratorium permit now (as listed in Section 1 of the accompanying application) ? Check all that apply:

- ☐ Otter Trawl ☐ Skimmer Net ☐ Wing Net ☐ Beam Trawl ☐ Roller Frame
☐ Butterfly Net ☐ Cast Net

Note

An applicant who believes he/she meets either permit eligibility criteria based on ownership of a vessel or vessels under a different name, e.g., as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.

Basis of Eligibility for the Gulf of Mexico Shrimp Moratorium

This form is to accompany the "Federal Permit Application for Vessels Fishing in the Gulf of Mexico and/or South Atlantic EEZ for Shrimp" for applicants applying for the initial issuance of Gulf of Mexico Shrimp moratorium permits.

I am eligible for the Gulf of Mexico moratorium Shrimp Permit because:

- 1** ☐ The vessel I own (listed in Section 1 of the accompanying application) was issued an open access Gulf of Mexico Shrimp Permit on or before December 6, 2003.

OR

- 2** ☐ I owned a vessel that was issued an open access Gulf of Mexico Shrimp Permit on or before December 6, 2003, and prior to [insert date of final rule publication] I owned a different vessel which (1) was issued an open access Gulf of Mexico Shrimp Permit, (2) is/was equipped for offshore shrimp fishing, and (3) is at least 5 net tons and is Coast Guard documented, and (4) is the same vessel for which the commercial vessel moratorium permit is being applied (as listed in Section 1 of the accompanying application). Complete parts A and B below.

- A)** Provide the Coast Guard documentation number or the state registration number for the vessel that you owned or leased on or before December 6, 2003 which was issued an open access Gulf of Mexico Shrimp Permit on or before December 6, 2003.

- B)** Which of the following gear is aboard the vessel for which you are applying for a Gulf shrimp moratorium permit now (as listed in Section 1 of the accompanying application) ? Check all that apply:

- ☐ Otter Trawl ☐ Skimmer Net ☐ Wing Net ☐ Beam Trawl ☐ Roller Frame
☐ Butterfly Net ☐ Cast Net

Note

An applicant who believes he/she meets either permit eligibility criteria based on ownership of a vessel or vessels under a different name, e.g., as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.

Commercial Shrimp Vessel Permit Moratorium

There is excess harvesting capacity in the shrimp fishery in the Gulf of Mexico, and fewer vessels could harvest the available shrimp resources at a more profitable level. The Gulf shrimp fishery has recently experienced economic losses leading to an exodus of vessels from the fishery. The number of vessels in the offshore shrimp fleet is expected to continue declining, but, at some point, the fishery will again become profitable for the remaining participants. There is a need to prevent new effort from then entering the fishery and negating or at least lessening profitability in the future. Thus, this proposed rule proposes to establish a 10_year moratorium on the issuance of Federal commercial shrimp vessel permits for the shrimp fishery in the Gulf EEZ.

The moratorium would begin on the effective date of any final rule that would implement Amendment 13. Beginning 150 days after the effective date of any final rule that would implement Amendment 13, the only valid commercial vessel permits for Gulf shrimp would be those issued under this proposed moratorium. As of that date, a commercial vessel moratorium permit for Gulf shrimp would be required to fish for or possess Gulf shrimp from the EEZ. Permits issued under the moratorium would be fully transferable, with or without sale of the vessel, allowing permittees the flexibility to enter or exit the fishery as they choose.

Eligibility for a Moratorium Permit

Under the proposed moratorium, eligibility for a commercial vessel moratorium permit for Gulf shrimp would be limited to a person who--

(1) Owns a vessel that was issued a Federal commercial vessel permit for Gulf shrimp on or before December 6, 2003; or

(2) On or before December 6, 2003, owned a vessel that was issued a Federal commercial vessel permit for Gulf shrimp and, prior to the date of publication of any final rule that implements Amendment 13, owns a vessel with a Federal commercial permit for Gulf shrimp that is equipped for offshore shrimp fishing and is at least 5 net tons (4.54 metric tons).

NMFS' permit records are the sole basis for determining eligibility based on permit history. An applicant who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, e.g., as may have occurred when ownership has changed

from individual to corporate or vice versa, must document his/her continuity of ownership.

December 6, 2003, is the date the Council previously established (68 FR 22667, April 29, 2003) as a possible control date if access to the fishery was limited at a future date. Eligibility criterion (1) above addresses a current owner of a vessel that was permitted in the Gulf shrimp fishery on or prior to the control date. Eligibility criterion (2) above addresses a person who on or prior to the control date owned a vessel issued a Federal commercial vessel permit for Gulf shrimp; who may have subsequently lost ownership or use of the vessel through sale, repossession, sinking or major damage, etc.; and who obtains an appropriately permitted vessel prior to publication of the final rule that would implement the proposed moratorium.

NMFS estimates approximately 2,951 vessels have been issued Gulf shrimp permits to date, and 285 of those would not meet the December 6, 2003, qualifying criterion; thus, the number of permitted vessels under the moratorium would be 2,666. However, only approximately 45 of these excluded vessels are anticipated to be significantly impacted by the proposal. At least 126 of the 285 vessels were not known to be active in the fishery since 2002. In addition, 87 of the active vessels were identified as operating entirely in state waters, and 27 of the remaining, active, non-qualifying vessels are small and potentially could continue fishing profitably in state waters.

Moratorium Permit Requirement and Application Procedures

A commercial vessel moratorium permit for Gulf shrimp would be required beginning 150 days after the effective date of any final rule that implements Amendment 13, and on that date, all previously issued open access commercial vessel permits for Gulf shrimp would be invalid. After that date, a person could not fish for or possess shrimp from the Gulf of Mexico EEZ without first obtaining a commercial vessel moratorium permit for Gulf shrimp.

A person who desires a commercial vessel moratorium permit for Gulf shrimp would be required to submit an application to the RA, Southeast Region, NMFS, postmarked or hand delivered no later than the date one year after the effective date of any final rule implementing Amendment 13. After that date, no applications for additional commercial vessel moratorium permits for Gulf shrimp would be accepted. This 1-year period for receiving applications is longer than normal but is intended, in part, to provide additional time for potential applicants who may have been

adversely affected by recent hurricanes in the Gulf of Mexico to apply. Application forms would be available from the RA. Failure to apply in a timely manner would preclude permit issuance even when the applicant otherwise meets the permit eligibility criteria.

To facilitate the application process, NMFS will send preprinted applications to known qualifiers for which NMFS would have a valid address, i.e., current owners of vessels permitted on or prior to December 6, 2003. All other applicants must obtain an application from the RA. Ultimately, it is the applicant's responsibility to ensure that an application is obtained and submitted to NMFS prior to the application deadline. A person who believes he/she qualifies for a permit but does not receive an application from NMFS within 45 days after the date of publication of any final rule implementing Amendment 13 should request an application from the RA.

As specified at 50 CFR 622.4(d), a fee, calculated in accordance with the procedures of the NOAA Finance Handbook, would be charged for each application for a permit or written request for transfer or replacement of a permit. The applicable fee would be specified on the application form.